

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aliza Klingenstein	Team: Squad #7	CCRB Case #: 202101896	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/15/2021 8:10 AM	Location of Incident: [REDACTED]	Precinct: 107	18 Mo. SOL 9/15/2022	EO SOL 9/15/2022	
Date/Time CV Reported Mon, 03/15/2021 10:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/24/2021 11:04 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Jessica Arrubla	28177	946315	107 PCT
2. POM Albert Trotter	31705	953496	107 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jessica Arrubla	Abuse: Police Officer Jessica Arrubla threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Albert Trotter	Abuse: Police Officer Albert Trotter threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On March 15, 2021, § 87(2)(b) called the IAB command center to report the following complaint. It was assigned log number #2021-6432 and was received at the CCRB on March 24, 2021.

On March 15, 2021, at 8:04 a.m., § 87(2)(b) called 911 to report that his wife and three young children were missing. At approximately 8:10 a.m., Police Officer Jessica Arrubla and Police Officer Albert Trotter from the 107th Precinct arrived at § 87(2)(b)'s home located at § 87(2)(b) in Queens and determined that no one was missing. Prior to leaving, PO Arrubla allegedly told § 87(2)(b) that if he did anything to his daughter or his wife's friend, he would be arrested (**Allegation A: Abuse of Authority**, § 87(2)(g)). PO Trotter allegedly told § 87(2)(b) that if he did anything to his daughter, his wife's friend, or his wife upon her return, he would be arrested (**Allegation B: Abuse of Authority**, § 87(2)(g)).

There is no video evidence in this case, as this incident does not fall within the list of events that require mandatory activation of Body-Worn Camera (BWC) stated in Patrol Guide Procedure 212-123 (**Board Review 01**) and no other recordings were taken.

Findings and Recommendations

Allegation A: Abuse of Authority: Police Officer Jessica Arrubla threatened to arrest § 87(2)(b)

Allegation B: Abuse of Authority: Police Officer Albert Trotter threatened to arrest § 87(2)(b)

§ 87(2)(b) testified (**Board Review 02**) that when PO Arrubla and PO Trotter arrived at his home, he woke up his daughter, § 87(2)(b) and his wife's friend who was staying with him, § 87(2)(b) to speak with the officers. § 87(2)(b) explained to the officers that his wife and three young children had been missing for three days and asked to file a missing person's report. PO Trotter asked § 87(2)(b) for his wife's phone number, which he provided, and PO Trotter went outside to make a phone call. When PO Trotter returned, he told § 87(2)(b) that his wife was in a shelter but did not specify where. § 87(2)(b) repeatedly asked the officers to file a missing person's report but they refused. § 87(2)(b) told the officers that his children's school had called him to say that the children were missing. § 87(2)(b) told the officers that the children studied online, to which § 87(2)(b) responded that § 87(2)(b) should mind her own business. § 87(2)(b) told § 87(2)(b) to take her things and get out of his house. PO Arrubla and PO Trotter both told § 87(2)(b) and § 87(2)(b) that if § 87(2)(b) did anything to them in the future, they could call 911 and officers would return to § 87(2)(b)'s house and arrest him. § 87(2)(b) asked the officers to leave if they were not going to file a report for him. Prior to leaving, PO Trotter told § 87(2)(b) that if he did anything to his wife upon her return, he would be arrested.

During § 87(2)(b)'s telephone interview (**Board Review 03**), § 87(2)(b) was present and could occasionally be heard speaking in a language other than English in the background. § 87(2)(b) interrupted the interview between minute marks 21:38 – 22:33 before § 87(2)(b) completed her statement. § 87(2)(b) testified that when she and § 87(2)(b) came downstairs to speak to the officers, PO Trotter asked § 87(2)(b) to accompany him to the kitchen to ask her some questions. In the kitchen, PO Trotter asked § 87(2)(b) if she knew where her mother was and she said she did not. PO Trotter went to the front yard to make a phone call and § 87(2)(b) rejoined § 87(2)(b) and PO Arrubla near the stairs. § 87(2)(b) raised his voice at § 87(2)(b) and told her to get out of his house and that he knew § 87(2)(b) had nowhere else to stay. PO Arrubla appeared frustrated after § 87(2)(b) raised his voice and she told § 87(2)(b) that she would arrest him if he did not calm down. PO Arrubla told § 87(2)(b) and § 87(2)(b) to call the officers back to the location if they needed anything. PO Trotter returned inside and told § 87(2)(b) to calm down but did not

mention arrest at any point during the incident.

§ 87(2)(b) testified (**Board Review 04**) that when PO Trotter returned inside, § 87(2)(b) was crying because § 87(2)(b) had yelled at her to get out of his house. § 87(2)(b) did not pay attention to PO Trotter at this point and did not hear if he said anything to § 87(2)(b) after the phone call. PO Trotter asked § 87(2)(b) if she had anywhere else she could go and she said she did not. PO Trotter told § 87(2)(b) to call 911 if she felt unsafe and she thanked him. PO Trotter did not say that § 87(2)(b) could be arrested. PO Arrubla did not say anything to § 87(2)(b) besides “Sorry.” Neither PO Trotter nor PO Arrubla ever mentioned arrest at any point during the incident.

PO Arrubla testified (**Board Review 05**) that she remained with § 87(2)(b) and § 87(2)(b) by the stairs while PO Trotter spoke to § 87(2)(b) in the kitchen. § 87(2)(b) and § 87(2)(b) spoke to each other in a language other than English. The tone of their conversation seemed neutral and § 87(2)(b) remained calm throughout the conversation. When PO Trotter returned from the kitchen, he told PO Arrubla that § 87(2)(b)'s wife was not missing because he had spoken to her on the phone. The officers explained to § 87(2)(b) that they could not file a missing person's report and decided to leave. PO Arrubla was not concerned for § 87(2)(b) or § 87(2)(b)'s wife upon leaving the scene. PO Arrubla did not think § 87(2)(b) was capable of harming his wife in the future and neither § 87(2)(b) nor § 87(2)(b) mentioned anything about feeling unsafe. Prior to leaving, PO Arrubla told § 87(2)(b) and § 87(2)(b) to call 911 if they needed the officers for anything in the future. PO Arrubla commonly said this to civilians as a standard parting phrase. Neither PO Arrubla nor PO Trotter mentioned arrest at any point throughout the incident.

PO Trotter testified (**Board Review 06**) that when § 87(2)(b) and § 87(2)(b) arrived downstairs, § 87(2)(b) appeared hesitant and asked to speak to PO Trotter in another room. In the kitchen, § 87(2)(b) whispered that she did not want § 87(2)(b) to hear but that her mother had willingly left the house with her siblings and that they were safe. § 87(2)(b) gave PO Trotter her mother's number and PO Trotter went outside, where he called § 87(2)(b)'s wife and left a voicemail. When PO Trotter returned inside, he observed § 87(2)(b) and § 87(2)(b) arguing in a language other than English and saw § 87(2)(b) crying near the stairs. PO Trotter did not recall exactly what he told § 87(2)(b) but he instructed § 87(2)(b) to stop arguing with § 87(2)(b). PO Trotter asked § 87(2)(b) to give the officers a chance to speak privately with § 87(2)(b) and § 87(2)(b). PO Trotter, PO Arrubla, § 87(2)(b) and § 87(2)(b) went to the kitchen. In the kitchen, PO Trotter asked § 87(2)(b) and § 87(2)(b) if they felt safe in the house and they said that they did. PO Trotter told § 87(2)(b) and § 87(2)(b) to call 911 if they felt unsafe or threatened at any point and the officers would respond back to the location. PO Trotter did not recall if he said what would happen if officers were to return to the house. § 87(2)(b) and § 87(2)(b) said “Okay.” PO Trotter did not recall if PO Arrubla said anything to § 87(2)(b) or § 87(2)(b). PO Trotter did not recall if he mentioned arrest during this conversation. PO Trotter did not recall threatening to arrest § 87(2)(b) at any point during the incident. PO Trotter did not recall anything that he or PO Arrubla said that § 87(2)(b) could have construed as a threat of arrest.

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b)
[REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
- PO Arrubla has been a member of service for 13 years and has been a subject in one previous CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)
[REDACTED] (g)
(Board Review 07).
- PO Trotter has been a member of service for eight years and has been a subject in one previous CCRB complaint and five allegations, none of which were substantiated. § 87(2)(g)
[REDACTED] (g)
(Board Review 07).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of May 14, 2021, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**Board Review 08**).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] (**Board Review 09**).

Squad No.: 7

Investigator: Aliza Klingenstein Inv. Aliza Klingenstein May 27, 2021
Signature Print Title & Name Date

Squad Leader: _____

Signature _____

Manager Vanessa Rosen _____

Print Title & Name _____

May 28, 2021 _____

Date _____

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____